

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARNUNA REDDY**

WRIT PETITION No. 2248 OF 2007

Between:

Vadlakonda Anandam & another.

... Petitioners

AND

The Government of Andhra Pradesh,
Rep., by its Principal Secretary to Government,
Revenue (Vig.Admn.) Department,
Hyderabad & others.

... Respondents

:: O R D E R ::

Counsel for the petitioners : Sri S. Satyam Reddy

Dated: 08.02.2007

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Per C.V.Nagarjuna Reddy, J

In this petition filed as a piece of 'public interest litigation', Sarpanchas of Mailaram and Naginenipalli Villages, Bommalaramaram Mandal, Nalgonda District have prayed for quashing G.O.Ms. No. 1950, Revenue (Village Administration-I) Department, dated 30.12.2006 vide which the State Government ordered creation of revenue functionary at village level under the exclusive administrative control of the Mandal Revenue Officer to handle the work relating to land and revenue matters at the village level.

In the affidavit filed by him, petitioner No. 1, Vadlakonda Anandam, has averred that he and petitioner No. 2, Konduru Anjaneyulu, were elected as Sarpanchas in August, 2006; that in the discharge of their duties they are being assisted by the Panchayat Secretaries, who are recruited along with relevant rules. The deponent has further averred that by the impugned G.O., the State Government has excluded the work relating to the land and revenue from the purview of the Panchayat Secretaries and, in this manner, they have been deprived of the opportunity to hear and remedy the grievances of the poor villagers.

We have heard Sri S. Satyam Reddy, learned counsel for the petitioners.

A reading of the impugned G.O., makes it clear that at one time Village Administrative Officers were entrusted with the work relating to land and revenue matters, which were under the control of revenue

department. Vide G.O.Ms.No.773, Revenue (VO) Department, dated 07.11.1990, the State Government transferred the services of the VAOs to the Panchayat Raj Department/Municipal Administration and Urban Development Department for utilizing their services in Gram Panchayats/Municipalities/Municipal Corporations. Subsequently, the posts of VAOs were abolished. Vide G.O.Ms.No. 369, PR & RD Department, dated 12.12.2001, the posts of Panchayat Secretaries were created to handle both the revenue and development works under the overall control of the Gram Panchayat.

For the purpose of suggesting improvement in the working of the existing administrative set up at the village level, the Government constituted a committee of group of Ministers consisting of Minister for Revenue, Minister for Panchayat Raj and Minister for Home. The group of Ministers met on 22.9.2006 and made the following recommendations:

“a) Take action for setting up suitable administrative structure to have a functionary at village level, under the exclusive administrative control of the MRO, to handle the work relating to land and revenue matters at the village level.

b) Allocate the (62) functions entrusted to the Panchayat Secretary in G.O.Ms.No.4, PR & RD (Mandal.II) Department, dated 07.01.2002 between the Revenue Department and the Gram Panchayat respectively based on the Constitutional provisions under the 73rd amendment, the administrative and development aspects and the practicality of implementation, supervision and review methodologies for optimize delivery of programme content of land related, developmental and regulatory aspects of village level administration. This exercise shall be done by a committee consisting of Chief Commissioner of Land

Administration, Principle Secretary, PR & RD and Principal Secretary, Revenue.

c) Existing Revenue Villagers and Gram Panchayats should be arranged into Revenue Village Clusters and Panchayat Clusters respectively. These clusters should be co-terminus as far as possible, so that Revenue Department and Panchayat Raj Institutions are able to meet their respective staffing requirements to great extent by utilizing the functionaries that will be available after re-transferring the erstwhile staff of the Revenue Department.

d) The Revenue Department will prepare the Job Chart and Service Rules regarding appointment, promotion and prepare a training manual for the revenue functionaries to be appointed in the revenue village clusters, so that, the revenue functionaries are well trained in maintenance of records and survey work in order to provide superior quality services to the people and farmers. The High Level Committee constituted in G.O.Rt.No.926, Revenue (Ser.II) Department, dated 04.05.2006 shall make suitable recommendations to the Government in this regard.

e) The existing erstwhile Village Administrative Officers working as Panchayat Secretaries and non-qualified erstwhile Village Administrative Officers working as part time Assistants be transferred back to the control of Revenue Department.”

The State Government accepted the above re-produced recommendations and issued the impugned G.O. The Chief Commissioner of Land Administration and Special Chief Secretary to Government discussed the modalities relating to creating of revenue functionary at village level with all the Joint Collectors in the State on 11.01.2007 and sent his report on 16.01.2007. He

evidently recommended for transfer of 6752 erstwhile VAOs working as Panchayat Secretaries and 2800 erstwhile VAOs working as part time Assistants under the control of Mandal Parishad Development Officers of Panchayat Raj Department to the administrative control of Revenue Department and made the Mandal Revenue Officers responsible for payment of their salaries etc. It was also recommended by him that each VAO or part time Village Assistant will be given charge of one revenue village where he was already working as Panchayat Secretary or part time Assistant and that he will also be given additional charge of one or more revenue villages till more permanent clustering of villages is done in due course. The Government having accepted the said proposal of the Chief Commissioner of Land Revenue issued G.O.Ms.No.105, Revenue (Village Administration-1) Department, dated 31.01.2007.

Sri Satyam Reddy, learned counsel for the petitioners argued with considerable vehemence that transfer of the village level functionaries from the administrative control of Panchayats to that of Revenue is contrary to the spirit of 73rd Constitutional Amendment apart from being arbitrary. However, he failed to substantiate this plea by specifically pointing out any provision under the Andhra Pradesh Panchayat Raj Act, 1994 (for short 'the Act'), which is either sought to be defeated or rendered nugatory.

The Act was enacted in pursuance of the Constitution (73rd Amendment) Act, 1992 with a view mainly to strengthen and revitalize the Panchayat Raj bodies so that they can sub-serve the

needs of the people living in the rural areas. Chapter-II of the Act contains provisions pertaining to Powers, Functions and Property of Gram Panchayats. The said chapter read with Schedule-I of the Act does not anywhere show that the functions of handling the work relating to land and revenue matters at the village level are vested with the Gram Panchayats. In our opinion, transfer of erstwhile VAOs, who are working as Panchayat Secretaries or part time Assistants, to the administrative control of the Revenue Department to handle the land and revenue work under the administrative control of the Revenue Department (MROs) does not, in any way, offend the scheme underlying the provisions of the Act. The impugned G.O. was issued after a group of Ministers went into the issue and recommended for transferring the village level functionaries to the Revenue Department. This, in our view, is purely a policy matter and there is no warrant for the Court's interdiction in the matter more so because the impugned G.O., does not violate any legal or fundamental right of the petitioners or any one else and the same is not contrary to public interest.

In the premise aforesaid, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.2879 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J.

G.S. SINGHVI, CJ.

Date: 08.02.2007
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